WEMMH/SB/21 (4/03)

## **TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

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Total Number of Pages in this Submission

Application Number 10/042.589 Filing Date January 9, 2002 First Named Inventor Lukas Eisermann **Group Art Unit** 3738 Examiner Name Eduardo C. Robert 4+ lefs Attorney Docket Number 4002-2802/PC635.00

ENCLOSURES (check all that apply)				
Fee Transmittal Form	Assignment Papers	After Allowance Communication to Group		
Fee Attached	Drawing(s)	Appeal Communication to Board of Appeals and Interferences		
Amendment Response	Licensing-related Papers	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
After Final	To Convert a Provisional Application	Proprietary Information		
Affidavits/declaration(s)	Power of Attorney, Revocation, Change of Correspondence Address	Status Letter		
Extension of Time Request	Terminal Disclaimer	Additional Enclosure (please identify below)		
Express Abandonment Request	Small Entity Statement	Return Receipt Postcard		
Information Disclosure Statement (Supp.)	Request for Refund	1449 Citation Form		
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Response to Missing Parts/ Incomplete Application	Remarks MATCH & RE	TURN SER		
Response to Missing Parts under 37 CRF 1.52 or 1.53		DEIVED 16 2003 MAIL ROS		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm Brad A. Schepers, Reg. No. 45,431				
Individual Name  Woodard, Embardt Moriarty, McNett & Henry LLP				
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>5</b>		
Tyre U.S. Patent Application:	)	Before the Examiner
re U.S. Patent Application: Lukas Eisermann et al.	)	Eduardo C. Robert
	)	
Application No. 10/042,589	)	Group Art Unit 3738
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Filed January 9, 2002	)	Our Ref.: 4002-2802/PC635.00
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INTERVERTEBRAL PROSTHETIC	)	June 6, 2003
JOINT	ĺ	·

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation Form. This information has not been previously submitted in this application, and has not been cited previously by the Examiner. Copies of the cited items are enclosed in accordance with 37 C.F.R. § 1.98.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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Signature

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The identified information, taken alone or in combination with other art, may provide information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

This Statement is being submitted under 37 CFR 1.97(b) prior to receipt of a first Office Action on the merits. Additionally, each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a related foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement. Accordingly, it is believed that no fee is due. However, should any additional fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted

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